

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	
v.	:	CRIMINAL ACTION NO. 11-132
GENE CORNELL SMITH	:	CIVIL ACTION NO. 16-3274
	:	

ORDER

AND NOW, this 23rd day of March 2017, upon consideration of Defendant's Motion to Dismiss (Doc. Nos. 159, 161, 162), Defendant's Motion to Vacate, Set Aside, or Correct his Sentence Pursuant to 28 U.S.C. § 2255 (Doc. Nos. 156, 158), and the Government's response, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby

ORDERED as follows:

1. The Motion to Dismiss (Doc. Nos. 159, 161, 162) is **DENIED**;
2. The Motion to Vacate, Set Aside, or Correct his Sentence Pursuant to 28 U.S.C. § 2255 (Doc. No. 156, 158) is **DENIED**;
3. No certificate of appealability shall issue, and no evidentiary hearing shall be held;
and
4. The Clerk is directed to **CLOSE** this case.

IT IS SO ORDERED.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFE, J.